



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART V

#### DRIVING INSTRUCTION

##### *General and supplemental*

#### **134 Power to alter conditions for entry or retention in, and removal from, register and for grant or revocation of licences.**

Regulations may—

- (a) alter or add to the conditions as to which the Registrar is required by this Part of this Act to be satisfied for the entry of a name in the register, the retention of a name in the register, the removal of a name from the register, the grant of a licence and the revocation of a licence, or omit any of those conditions,
- (b) alter the period at the expiration of which a person's name which is entered or retained in the register after the coming into force of the regulation must, unless retained or further retained, be removed from the register.

#### **Modifications etc. (not altering text)**

**C1** S. 134 excluded (23.6.1999) by [S.I. 1999/1736](#), [art. 8\(1\)\(b\)\(2\)\(b\)](#)

#### **135 Power to prescribe form of certificate of registration, etc.**

- (1) Regulations may prescribe all or any of the following—
  - (a) a form of certificate for issue to persons whose names are in the register as evidence of their names' being in the register,
  - (b) a form of badge for use by such persons, and
  - (c) an official title for such use.
- (2) If a person whose name is not in [<sup>F1</sup>Part 1 of] the register—

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- (a) takes or uses a title prescribed under this section [<sup>F2</sup>for use by persons whose names are in that Part of the register] , or
- (b) wears or displays a badge or certificate so prescribed, or
- (c) takes or uses any name, title, addition or description implying that his name is in [<sup>F3</sup>that Part of] the register,

he is guilty of an offence unless he proves that he did not know, and had no reasonable cause to believe, that his name was not in [<sup>F4</sup>that Part of] the register at the material time.

[<sup>F5</sup>(2A) If a person whose name is not in Part 2 of the register—

- (a) wears or displays a badge or certificate prescribed under this section for use by persons whose names are in that Part of the register, or
- (b) takes or uses any name, title, addition or description implying that his or her name is in that Part of the register,

he or she is guilty of an offence unless he or she proves that he or she did not know, and had no reasonable cause to believe, that his or her name was not in that Part of the register at the material time.]

[<sup>F6</sup>(3) If P uses, in relation to any person employed by P whose name is not in Part 1 of the register,

- (a) a title or description prescribed under this section for use by persons whose names are in that Part of the register, or
- (b) a name, title, addition or description implying that the person’s name is in that Part of the Register,

P is guilty of an offence unless P proves that P did not know, and had no reasonable cause to believe, that the person’s name was not in that Part of the register at the material time.

(4) If P uses, in relation to any person employed by P whose name is not in Part 2 of the register, a name, title, addition or description implying that the person’s name is in that Part of the register, P is guilty of an offence unless P proves that P did not know, and had no reasonable cause to believe, that the person’s name was not in that Part of the register at the material time.

(5) If P issues any advertisement or invitation calculated to mislead with respect to the extent to which persons employed by P are registered under this Part, P is guilty of an offence unless P proves that P did not know, and had no reasonable cause to believe, that the advertisement or invitation was misleading in that respect at the time it was issued.

(6) In this section “P” means a person carrying on business in the provision of instruction in the driving of motor vehicles.]

#### Textual Amendments

- F1** Words in s. 135(2) inserted (9.12.2016 until the commencement of 2006 c. 49, **Sch. 6**) by [The Driving and Motorcycle Riding Instructors \(Recognition of European Professional Qualifications\) Regulations 2016 \(S.I. 2016/1089\)](#), regs. 1, **2(9)(a)(i)** (which amendment falls due to the omission of the affecting provision (1.12.2023) by virtue of S.I. 2023/1286, reg. 1, **Sch. 4 para. 7(2)(g)(i)**)
- F2** Words in s. 135(2)(a) inserted (9.12.2016 until the commencement of 2006 c. 49, **Sch. 6**) by [The Driving and Motorcycle Riding Instructors \(Recognition of European Professional Qualifications\)](#)

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- Regulations 2016 (S.I. 2016/1089), regs. 1, **2(9)(a)(ii)** (which amendment falls due to the omission of the affecting provision (1.12.2023) by virtue of S.I. 2023/1286, reg. 1, **Sch. 4 para. 7(2)(g)(i)**)
- F3** Words in s. 135(2)(c) inserted (9.12.2016 until the commencement of 2006 c. 49, **Sch. 6**) by The Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016 (S.I. 2016/1089), regs. 1, **2(9)(a)(iii)** (which amendment falls due to the omission of the affecting provision (1.12.2023) by virtue of S.I. 2023/1286, reg. 1, **Sch. 4 para. 7(2)(g)(i)**)
- F4** Words in s. 135(2) inserted (9.12.2016 until the commencement of 2006 c. 49, **Sch. 6**) by The Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016 (S.I. 2016/1089), regs. 1, **2(9)(a)(iv)** (which amendment falls due to the omission of the affecting provision (1.12.2023) by virtue of S.I. 2023/1286, reg. 1, **Sch. 4 para. 7(2)(g)(i)**)
- F5** S. 135(2A) inserted (9.12.2016 until the commencement of 2006 c. 49, **Sch. 6**) by The Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016 (S.I. 2016/1089), regs. 1, **2(9)(b)** (which amendment falls due to the omission of the affecting provision (1.12.2023) by virtue of S.I. 2023/1286, reg. 1, **Sch. 4 para. 7(2)(g)(i)**)
- F6** S. 135(3)-(6) substituted for s. 135(3) (9.12.2016 until the commencement of 2006 c. 49, **Sch. 6**) by The Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016 (S.I. 2016/1089), regs. 1, **2(9)(c)**

**Modifications etc. (not altering text)**

- C2** S. 135 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

**136 Surrender of certificates and licences.**

Where—

- (a) the name of a person to whom a certificate prescribed under section 135 of this Act has been issued is removed from the register in pursuance of this Part of this Act, or
- (b) a licence granted under this Part of this Act to a person expires or is revoked, that person must, if so required by the Registrar by notice in writing, surrender the certificate or licence, as the case may be, to the Registrar within the period of fourteen days beginning with that on which the notice is given and, if he fails to do so, he is guilty of an offence.

**Modifications etc. (not altering text)**

- C3** S. 136 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

**137 Production of certificates and licences to constables and authorised persons.**

- (1) A person to whom a certificate prescribed under section 135 of this Act is issued, or to whom a licence under this Part of this Act is granted, must, on being so required by a constable or any person authorised in writing by the Secretary of State in that behalf, produce the certificate or licence for examination.
- (2) Where—
  - (a) the name of a person is removed from the register, or
  - (b) a licence granted under this Part of this Act to a person expires or is revoked, then, if that person fails to satisfy an obligation imposed on him by section 136 of this Act, a constable or a person authorised in writing by the Secretary of State in that

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behalf may require him to produce any such certificate issued to him or the licence, and upon its being produced may seize it and deliver it to the Registrar.

- (3) A person who is required under subsection (1) or (2) above to produce a document and fails to do so is, subject to subsection (4) below, guilty of an offence.
- (4) In proceedings against any person for an offence under subsection (3) above, it shall be a defence for him to show that—
- (a) within seven days beginning with the day following that on which the production of the document was so required, it was produced—
    - (i) where the requirement was made by a constable, at a police station specified at the time the production was required by the person required to produce the document,
    - (ii) where the requirement was made by a person other than a constable, at a place specified at that time by that person, or
  - (b) the document was produced at that police station or, as the case may be, place as soon as was reasonably practicable, or
  - (c) it was not reasonably practicable for it to be produced at that police station or, as the case may be, place before the day on which the proceedings were commenced,

and for the purposes of this subsection the laying of the information or, in Scotland, the service of the complaint on the accused shall be treated as the commencement of the proceedings.

**Modifications etc. (not altering text)**

C4 S. 137 excluded (23.6.1999) by [S.I. 1999/1736](#), [art. 8\(1\)\(b\)\(2\)\(b\)](#)

**138 Offences by corporations.**

Where a body corporate is guilty of an offence under this Part of this Act and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.

**Modifications etc. (not altering text)**

C5 S. 138 excluded (23.6.1999) by [S.I. 1999/1736](#), [art. 8\(1\)\(b\)\(2\)\(b\)](#)

C6 S. 138 modified (16.8.2006) by [The Dover Harbour Revision Order 2006 \(S.I. 2006/2167\)](#), [art. 27](#)

**139 Service of notices.**

- (1) A notice authorised or required to be given by this Part of this Act to a person may be given by delivering it to him, or by leaving it at his proper address, or by sending it to him by post.
- (2) For the purposes of this section and of section 7 of the Interpretation Act 1978 <sup>M1</sup> in its application to this section, the proper address of a person shall be, in the case of a

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person whose name is included in the register, his address on the register, and in any other case, his usual or last known address.

**Modifications etc. (not altering text)**

- C7** S. 139 excluded (23.6.1999) by [S.I. 1999/1736](#), **art. 8(1)(b)(2)(b)**  
**C8** S. 139 modified (16.8.2006) by [The Dover Harbour Revision Order 2006 \(S.I. 2006/2167\)](#), **art. 27**

**Marginal Citations**

- M1** 1978 c. 30.

**140 Receipts.**

Any sums received on account of fees payable by virtue of any provision of this Part of this Act shall be paid into the Consolidated Fund.

**Modifications etc. (not altering text)**

- C9** S. 140 excluded (23.6.1999) by [S.I. 1999/1736](#), **art. 8(1)(b)(2)(b)**

**141 Regulations.**

[<sup>F7</sup>(1)] The Secretary of State may make regulations for any purpose for which provision is by this Part of this Act authorised to be made by regulations [<sup>F8</sup>and for prescribing anything which may be prescribed under this Part of this Act] , and in this Part of this Act “regulations” means regulations made under this section.

[<sup>F9</sup>(2) Regulations under this section—

- (a) may be expressed to apply generally or only in particular circumstances,
- (b) may make different provision in relation to different cases or other circumstances or otherwise for different purposes, and
- (c) may make incidental, supplementary, consequential or transitional provision or savings.]

**Subordinate Legislation Made**

- P1** S. 141: s. 125(3)(with ss. 127(2), 132(1)(a)(2)(b), 134 and 141) power exercised by [S.I.1991/1129](#)  
**P2** S. 141: power previously exercised by [S.I. 1989/1373](#), 1989/2057, 1990/1113.

**Textual Amendments**

- F7** S. 141(1): s. 141 renumbered as s. 141(1) (21.5.2012) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), **Sch. 6 para. 24(1)**; [S.I. 2012/1357](#), art. 2(c)  
**F8** Words in s. 141(1) inserted (21.5.2012) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), **Sch. 6 para. 24(2)**; [S.I. 2012/1357](#), art. 2(c)  
**F9** S. 141(2) inserted (21.5.2012) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), **Sch. 6 para. 24(3)**; [S.I. 2012/1357](#), art. 2(c)

**Modifications etc. (not altering text)**

- C10** S. 141 excluded (23.6.1999) by [S.I. 1999/1736](#), **art. 8(1)(b)(2)(b)**

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## [<sup>F10</sup>141A Meaning of “motor car”.

- (1) Notwithstanding section 185(1) of this Act, in this Part of this Act “motor car” means a motor vehicle (other than an invalid carriage or motor cycle)—
- (a) which is not constructed or adapted to carry more than nine persons inclusive of the driver, and
  - (b) which has a maximum gross weight not exceeding 3.5 tonnes.
- (2) In subsection (1) above “maximum gross weight” has the same meaning as in Part III of this Act.]

### Textual Amendments

**F10** S. 141A inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by [S.I. 1996/1974, reg. 2 Sch. 1 para. 29](#)

### Modifications etc. (not altering text)

**C11** S. 141A excluded (23.6.1999) by [S.I. 1999/1736, art. 8\(1\)\(b\)\(2\)\(b\)](#)

## 142 Index to Part V.

The expressions listed in the left-hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Part of this Act listed in the right-hand column in relation to those expressions.

<i>Expression</i>	<i>Relevant provision</i>
[ <sup>F11</sup> [ <sup>F12</sup> Appropriate motor car	Section 125A(8)]
[ <sup>F13</sup> “Community licence” <sup>F14</sup>	Section 125(10)]
...	
Current licence	Section 123(7)
[ <sup>F12</sup> Disability, prospective disability and relevant disability	Section [ <sup>F15</sup> 125(10)]
[ <sup>F11</sup> [ <sup>F12</sup> Disabled person’s limited driving licence	Section 125A(8)]
[ <sup>F12</sup> Emergency control assessment and emergency control certificate	Section [ <sup>F16</sup> 125(10)]
[ <sup>F12</sup> Paid instruction	Section 123(8)]
[ <sup>F12</sup> Provisional licence	Section 123(8)]
The register	Section 123
[ <sup>F11</sup> [ <sup>F12</sup> Registered disabled instructor	Section 125A(8)]
The Registrar	Section 125 (2)
Regulations	Section 141

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#### **Textual Amendments**

- F11** Entries in s. 142 omitted (8.6.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(2), [Sch. 2 para. 29\(2\)](#); [S.I. 2015/994](#), [art. 7\(a\)](#) (with [Sch. Pt. 3](#))
- F12** Entries in table in s. 142 inserted (9.9.1996) by [1993 c. 31](#), s. 6, [Sch. para. 8](#); [S.I. 1996/1980](#), [art. 2](#)
- F13** Entry in table in s. 142 inserted (1.4.1999) by [S.I. 1999/357](#), [reg. 2\(5\)](#)
- F14** Words in s. 142 omitted (8.6.2015) by virtue of [The Road Safety Act 2006 \(Consequential Amendments\) Order 2015 \(S.I. 2015/583\)](#), art. 1(1), [Sch. 2 para. 2\(d\)](#)
- F15** Word in s. 142 substituted (8.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2), [Sch. 2 para. 29\(3\)](#); [S.I. 2015/994](#), [art. 7\(a\)](#) (with [Sch. Pt. 3](#))
- F16** Word in s. 142 substituted (8.6.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2), [Sch. 2 para. 29\(4\)](#); [S.I. 2015/994](#), [art. 7\(a\)](#) (with [Sch. Pt. 3](#))

#### **Modifications etc. (not altering text)**

- C12** S. 142 excluded (23.6.1999) by [S.I. 1999/1736](#), [art. 8\(1\)\(b\)\(2\)\(b\)](#)

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